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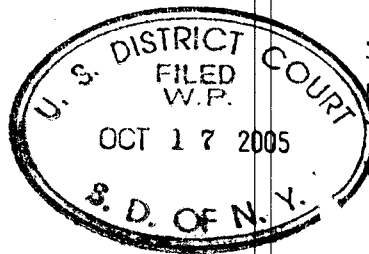
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MEMO ENDORSED

October 17, 2005

Hon. Lisa Margaret Smith
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Room 428
White Plains, NY 10601-4150



James D. Jacobs

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Via Facsimile

RE: *Leighton Technologies LLC v. Oberthur Card Systems, S.A.*,
No. 04 Civ. 02496 (CM)(LMS)

Dear Judge Smith:

We represent defendants in the above-referenced case. The parties are working in good faith to agree upon a procedure and timeline for the production of electronic documents. Because of the great volume of documents involved – we understand from our vendor that a search using the keywords agreed upon by the parties has already yielded almost 300,000 responsive documents, and the search is not yet complete – we have been working to achieve a protocol for the production that is manageable for both sides.

Production of electronic documents will not be complete by the current production deadline, which is today, October 17, 2005. Indeed, late last week plaintiff's counsel explicitly requested that defendants halt all work on production for a few days to see if an agreement can be reached as to how electronic discovery would proceed. The parties hope to agree within the coming days upon a production schedule, and will then seek the Court's approval of that schedule. If we are unable to reach an agreement, the parties will seek the Court's assistance.

The parties respectfully request that the date for Oberthur's production of electronic documents be adjourned until the parties inform you of the results of their negotiations.

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DOC #:
DATE FILED:

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Deemed letter motion. Motion granted, except that a schedule will be set at the next conference (11/4) if no agreed schedule is suggested by the parties prior to that date. SD SD

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Yours very truly,


James David Jacobs

cc: Robert Gutkin, Esq.